

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Tony Hammond, Vice Chairman;
Mark Acton; and
Nanci E. Langley

Competitive Product Prices
International Business Reply Service Competitive
Contract 3 (MC2011-21)
Negotiated Service Agreements

Docket No. CP2016-152

ORDER APPROVING MODIFICATION TWO TO
INTERNATIONAL BUSINESS REPLY SERVICE COMPETITIVE CONTRACT 3
NEGOTIATED SERVICE AGREEMENT AND DENYING AS MOOT MOTION FOR
TEMPORARY RELIEF

(Issued May 24, 2018)

I. INTRODUCTION

The Postal Service seeks to modify an International Business Reply Service Competitive Contract 3 negotiated service agreement.¹ For the reasons discussed below, the Commission approves the Modification.

¹ United States Postal Service Motion for Temporary Relief and Notice of Filing Modification Two to International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, May 23, 2018 (Notice). The modification is an attachment to the Notice (Modification).

In Order No. 3260, the Commission approved the International Business Reply Service 3 negotiated service agreement (Existing Agreement).² On May 23, 2018, the Postal Service filed notice that it has agreed to the Modification to the Existing Agreement.

II. COMMISSION ANALYSIS

The Commission has reviewed the Notice and the accompanying materials filed under seal.

Cost considerations. The Commission reviews competitive product prices to ensure that each product covers its attributable costs, does not cause market dominant products to subsidize competitive products, and contributes to the Postal Service's institutional costs. 39 U.S.C. § 3633(a); 39 C.F.R. §§ 3015.5 and 3015.7. As long as the revenue generated by the product exceeds its attributable costs, the product is unlikely to reduce the contribution of competitive products as a whole or to adversely affect the ability of competitive products as a whole to contribute an appropriate share of institutional costs. In other words, if a product covers its attributable costs, it is likely to comply with 39 U.S.C. § 3633(a).

The Existing Agreement is set to expire May 31, 2018.³ The Modification revises the expiration date of the contract to June 30, 2018. Notice at 1.

The Modification does not materially affect the underlying financial analysis of the Existing Agreement. Thus, the Commission finds that the Existing Agreement, as modified, comports with the provisions applicable to rates for competitive products in 39 U.S.C. § 3633(a) and 39 C.F.R. § 3015.7.

² Order Approving Additional International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, April 26, 2016 (Order No. 3260). The contract was later modified. See Order Approving Modification One to International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, April 26, 2018 (Order No. 4593).

³ See Order No. 3260 at 7 (setting original expiration date as April 30, 2018); Order No. 4593 at 3 (revising expiration date to May 31, 2018).

Other considerations. The Existing Agreement, as modified, is set to expire June 30, 2018. Notice at 1.

If the Existing Agreement, as modified, is terminated prior to the scheduled expiration date, the Postal Service shall promptly notify the Commission.

In conclusion, the Commission approves the Existing Agreement, as modified. Accordingly, the Motion for Temporary Relief is denied as moot.

III. ORDERING PARAGRAPHS

It is ordered:

1. The Commission approves the International Business Reply Service Competitive Contract 3 negotiated service agreement, as modified.
2. The Postal Service shall notify the Commission if the Existing Agreement, as modified, terminates prior to the revised expiration date, June 30, 2018.
3. The Postal Service's Motion for Temporary Relief is denied as moot.

By the Commission.

Stacy L. Ruble
Secretary